IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5775 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 5776 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 5777 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 5778 OF 2005

Ms. Rajul Lodaya ...Applicant

Versus

M/s. Buildway Exporters & Anr ...Respondents

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Mr. Osman Chisty i/b Mr. Parvez Ubharay, Advocate for Applicant.

Mr. V.B. Konde Deshmukh, APP in Appln. No.5775/05
Mr. B.H. Mehta, APP in Appln. No. 5776/05
Ms. S.V. Gajare, APP in Appln. No.5777/05
Mr. Rajesh More, APP in Appln. No.5778/05.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 4TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State. None appears for the respondent i.e. original complainant though served. A copy of acknowledgement in respect of service on respondent i.e. original complainant is taken on record.

2. The applicant has prayed for quashing of complaint Nos.5791/2002, 5792/2002, 5800/2002 and

5801/2002 which are pending in the Court of learned Addl. Chief M.M., 10th Court, Andheri, Mumbai. In the said cases, process has been issued against the applicant under Section 138 of Negotiable Instruments Act. The learned advocate for the applicant submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. It is further submitted that if the process issued against the applicant is set aside, the proceedings in respect of the applicant would come to an end.

3. For the reasons recorded in the decision of this Court in the case of **V.K. Jain & Ors. Vs. Pratap Vs. Padode and Anr, reported in 2005(3) Mh.L.J. 778,** in my opinion, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for

a period of four weeks from today.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Applications are disposed of.

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